

GAHC010018812024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/230/2024

MD. MAINUL HAQUE
S/O- MEHER ALI, R/O- SATGAON, AMBARI, P.S. SATGAON, DIST.- KAMRUP
(M), ASSAM, PIN- 781027

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. D M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.02.2024

Heard Mr D M Khan, learned counsel for the petitioner, Md Mainul Haque.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Basistha PS Case No. 15/2024, registered under Section 379 IPC, read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, read with Sections 13(1)/16 of the Assam Cattle Preservation Act (GR Case No. 171/2024)

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.
4. The learned Additional Public Prosecutor has raised objection stating that the allegation against the petitioner is that he is involved in Inter-State smuggling of cattle.
5. I have also perused the Case Diary.
6. Indeed, there are incriminating materials against the petitioner, in the Case Diary.
7. The petitioner has, however, submitted that he was not aware that the cattle was smuggled through his vehicle.
8. It is submitted that petitioner being the owner of the vehicle was not privy that the driver and the handyman were using his vehicle for Inter-State illegal cattle smuggling.
8. I have considered the submission that the petitioner is willing to cooperate with the investigation and abide by any bail conditions, if imposed upon him.
9. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that-
 - i) the petitioner shall appear before the IO within 10 (ten) days and cooperate with the investigation,
 - ii) the petitioner shall refrain from such activities with which he is alleged, and
 - iii) the petitioner shall not jump the bail.

On breach of any of the bail conditions, the bail order shall stand cancelled.

10. Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant